

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA**

<div>NICKOLAS HICKTON, <i>et al.</i>,</div> <div>Plaintiffs,</div> <div>v.</div> <div>ENTERPRISE RENT-A-CAR COMPANY, <i>et al.</i>,</div> <div>Defendants.</div>	<div>Nos.</div> <div>2:09-mc-00210-JFC</div> <div>2:07-cv-01687</div> <div>2:09-cv-00815</div> <div>2:09-cv-00816</div> <div>2:09-cv-00824</div> <div>2:09-cv-00832</div> <div>2:09-cv-00833</div> <div>2:09-cv-01188</div> <div>2:09-cv-01321</div> <div>2:10-cv-01003</div> <div>2:10-cv-01189</div> <div>2:10-cv-01456</div> <div>2:11-cv-00071</div> <div>2:11-cv-00333</div> <div>2:11-cv-01024</div> <div>2:12-cv-00659</div> <div>Judge Joy Flowers Conti</div>
<div><b>THIS DOCUMENT RELATES TO:</b></div> <div><i>All Actions</i></div>	<div><i>Electronically Filed</i></div>

**JOINT MOTION FOR FINAL APPROVAL OF CLASS  
AND COLLECTIVE ACTION SETTLEMENT**

Pursuant to Federal Rule of Civil Procedure 23(e), Plaintiffs Nickolas Hickton, Sean Herbster, Miquel McDonald, Michael Keith Averill, Jr., Jasmine Bromfield, Nils Hagstrom, Elsa DePina, Jeffrey Galia, Robert Bajkowski, Tori Gaudelli, Donnashekia Richard, Wayman F. Graham, II, Michael Douty, Michelle Mitchell Steen, Spencer Hardy, Kevin C. Hagler, Shawn Modiri, Robert Schieser, Brandy Peery, Steven Lamothe, and Bobby Kelley (collectively, “Plaintiffs” or “Named Plaintiffs”)<sup>1</sup>, on behalf of themselves and all others similarly situated,

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<sup>1</sup> All capitalized terms used throughout this motion shall have the meanings ascribed to them in the Parties’ Stipulation and Settlement Agreement (“Agreement”) dated April 12, 2013 and

and the Enterprise Groups<sup>2</sup> (“Enterprise” or “Defendants”) (together with Plaintiffs, the “Parties”) hereby respectfully move this Court for final approval of the Parties’ proposed class and collective action settlement (the “Settlement”) which received preliminary approval from the Court on April 29, 2013 (ECF No.8995), and, in connection therewith, seek the following:

1. Entry of the [Proposed] Order Granting Joint Motion for Final Approval of Class and Collective Action Settlement (“Final Approval Order”) filed contemporaneously herewith, upon a finding that the Settlement is fair, reasonable and adequate in light of the factual, legal, practical and procedural considerations raised by this Litigation;

2. Certification of the Settlement Classes as defined in the Agreement, which Defendants do not oppose for purposes of this Settlement;

3. Appointment, for settlement purposes only, of Plaintiffs Nickolas Hickton, Sean Herbster, Miquel McDonald, Michael Keith Averill, Jr., Jasmine Bromfield, Nils Hagstrom, Elsa DePina, Jeffrey Galia, Robert Bajkowski, Tori Gaudelli, Donnashekia Richard, Wayman F. Graham, II, Michael Douty, Michelle Mitchell Steen, Spencer Hardy, Kevin C. Hagler, Shawn Modiri, Robert Schieser, Brandy Peery, Steven Lamothe, and Bobby Kelley as Class

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attached as Exhibit A to the Declaration of Peter A. Muhic in Support of (1) Joint Motion for Final Approval of Class and Collective Action Settlement, and (2) Plaintiffs’ Unopposed Motion for Award of Attorneys’ Fees, Reimbursement of Expenses, and Enhancement Awards to the Named Plaintiffs, Opt-In Plaintiffs and Sample Plaintiffs (“Muhic Decl.”) filed contemporaneously herewith.

<sup>2</sup> The Enterprise Groups include the following named Defendants in the above-captioned actions: Enterprise Rent-A-Car Company of Pittsburgh LLC; ELRAC, LLC; Enterprise Leasing Company-South Central, LLC; Enterprise Leasing Company of Florida, LLC; Enterprise Leasing Company of Chicago, LLC; Enterprise Leasing Company of Georgia, LLC; Enterprise Rent-A-Car Company-Midwest, LLC; Enterprise Leasing Company of Orlando, LLC; Enterprise Leasing Company of Philadelphia, LLC; Enterprise Leasing Company-Southeast, LLC; EAN Holdings LLC; Enterprise RAC Company of Maryland, LLC; Enterprise Leasing Company-West, LLC; Enterprise Leasing Company of Phoenix, LLC; Enterprise Leasing Co. of Norfolk/Richmond, LLC; and Enterprise Leasing Company of Tennessee. The Enterprise Groups also include any other operating subsidiaries of Enterprise Holdings, Inc., that voluntarily decide to participate in the Proposed Settlement Agreement.

Representatives;

4. Appointment, for settlement purposes only, of the law firms of Kessler Topaz Meltzer & Check, LLP, Shavitz Law Group, PA and Schreiber & Petro, P.C., as Class Counsel;

5. Such other and further relief as the Court may deem just and proper.

In support of their request for approval, the Parties assert that the proposed Settlement is fair, reasonable, adequate and consistent with the provisions of Fed. R. Civ. P. 23. This motion is based on the accompanying Memorandum of Law in Support of Joint Motion for Final Approval of Class and Collective Action Settlement and the Muhic Decl., and all other files, records, and proceedings herein, as well as upon the arguments of counsel.

Dated: August 14, 2013

Respectfully submitted,

/s/ Peter A. Muhic

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 14th day of August, 2013, pursuant to Local Rule 5.5 of the United States District Court for the Western District of Pennsylvania, I caused the foregoing to be served by electronic means through the Court's transmission facilities upon all counsel of record.

/s/ Peter A. Muhic  
Peter A. Muhic